

REMARKS/ARGUMENTS

Examiner rejected claims 15-37 on the ground of nonstatutory obvious-type double patenting as being unpatentable over claims 1-23 of U.S. Patent No. 6,737,470. Applicants previously filed a terminal disclaimer in an attempt to overcome this rejection. However, Examiner pointed out that the previous terminal disclaimer was insufficient because it referenced the wrong patent application at issue. Applicants have herewith filed a corrected terminal disclaimer. Please charge the fee set forth under 37 C.F.R. 1.20(d) to Deposit Account No. 060925.

Examiner also rejected claims 15, 16, 18, 19, 23, 24, 26, 28, 29, 35 and 37 as being unpatentable under 35 U.S.C. § 103(a) over U.S. Patent No. 5,336,726 to DuBois. Examiner asserted that DuBois discloses butadiene polymers having terminal silyl groups, wherein the polymers have a molecular weight of up to 10,000 and a 1,2-addition content of 40-70%. Examiner also alleged that DuBois discloses that one of the primary uses of the polymers is as a sealant. Thus, according to Examiner, the polymer in DuBois would be expected to be combined with conventional adjuvants such as fillers, reinforcing agents, and modifiers.

Applicants respectfully disagree that DuBois teaches or suggests a curable sealant composition comprising a polymer having a terminal silicon-containing functional group as required in Applicants' claims. While DuBois does teach that terminal silyl ether groups may be added to a polybutadiene by polymerizing a (4-vinylphenylene) dimethyl(t-butyl) silyl ether at the end of a living butadiene molecule, DuBois further states that "[t]he silyl groups are converted to phenolic groups." Column 1, lines 49-53. "The silyl groups are preferably removed by heating or by reaction with desilylation reagents such as acids or tetra-n-butylammonium fluoride, preferably by reaction with an acid that is used in the hydrogenation catalyst removal step of the preferred process." Column 3, lines 32-36. It is the desilylation that results in terminal phenolic groups. *Id.* at lines 36-37.

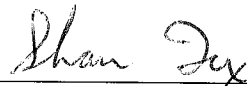
Thus, the final polymers in DuBois are ones that have terminal phenolic groups which completely lack silicon. DuBois teaches that it is these polymers that are terminated with phenolic groups that are useful in sealants. Nowhere does DuBois teach or suggest that polymers

having terminal silicon-containing groups can be used in sealant compositions. Therefore, DuBois is irrelevant to Applicants' invention and Applicants' claims are not obvious over Dubois.

Applicants submit that claims 15-37 are now in condition for allowance. Examiner is respectfully requested to enter this Response and pass this case to issue.

Respectfully submitted,

JONES DAY

A handwritten signature in cursive script, appearing to read "Shaun Fox", is written over a horizontal line.

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